



The relief described hereinbelow is SO ORDERED.

Signed October 13, 2010.

Ronald B. King
United States Chief Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

IN RE:

COLONY LODGING, INC.,

Debtor.

§
§
§
§
§

Case No. 10-60909

Chapter 11

**ORDER ON DEBTOR'S MOTION TO QUASH PACIFIC MERCANTILE
BANK'S NOTICE OF FED. R. BANKR. P. 2004 EXAMINATION
REQUEST**

The Court, having conducted a hearing on Colony Lodging, Inc.'s ("Debtor") Motion to Quash Pacific Mercantile Bank's ("PMB") Notice of Fed. R. Bankr. P. 2004 Examination Request (the "Examination Request") and considering the pleadings, record and argument of counsel, finds that the Motion should be granted in part and denied in part and orders as follows:

1. Debtor shall appear for a videotaped Rule 2004 examination on or before December 15, 2010 at the offices of Winston & Strawn, LLP or some other mutually agreeable place in the greater Los Angeles area. At least thirty (30) days before Debtor's proposed examination date, Debtor and PMB will confer to establish the time and date. Once the Parties have agreed upon a date and time, PMB will provide notice. In the event the Debtor or PMB

cannot find a mutually agreeable date, time, or location, the dispute will be resolved by Court order.

2. No later than fifteen (15) days prior to the examination, Debtor shall provide the name of its representative who shall appear for examination pursuant to Fed. R. Civ. P. 30(b)(6).

3. No later than November 30, 2010 the Debtor shall produce all non-privileged documents requested of it by PMB in the subpoena *duces tecum* ("Subpoena") that was issued in conjunction with the Examination Request, subject to any objections and defenses raised by Debtor in connection with any specific document request. The Debtor's document production will be in accordance with the instructions attached to the Subpoena; those instructions are adopted and incorporated by reference herein.

4. Notwithstanding the preceding paragraph, Debtor shall endeavor to begin a rolling production as soon as is practicable and no later than November 15, 2010. Moreover, Debtor shall produce the responsive documents held at the Debtor's operating facilities at the apartment complex in College Station that it owns no later than October 15, 2010.

5. This order shall not in any way constitute a waiver of the right of the Debtor to raise or assert any objection which may hereafter be raised or asserted with respect to the requested discovery, including but not limited to scope, relevance and any asserted privilege.

SO ORDERED.

###

AGREED TO AS TO FORM:

Patricia B. Tomasco
State Bar No. 01797600
MUNSCH HARDT KOPF & HARR, P.C.
401 Congress Avenue, Suite 3050
Austin, Texas 78701
Telephone: (512) 391-6100
Facsimile: (512) 391-6149
Email: ptomasco@munsch.com

ATTORNEYS FOR PACIFIC MERCANTILE BANCORP

Michael A. McConnell
Texas Bar I. D. 13447300
Clay M. Taylor
Texas Bar I. D. 24033261
KELLY HART & HALLMAN LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Telephone: 817-332-2500
Facsimile: 817-878-9280
Email: clay.taylor@kellyhart.com

ATTORNEYS FOR DEBTOR